

FILED

SEP 11 2008

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

BILLY J. BROOKS,

Plaintiff,

vs.

DAVID SNYDERS, SHERIFF

DEAN SCHROEDER, DIRECTOR

Defendants.

Case No.

08 C 50204

Kapala

DEFENDANTS' NOTICE OF REMOVAL

TO THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF ILLINOIS, WESTERN DIVISION:

Defendants David Snyders, Sheriff and Dean Schroeder, Director, by their attorneys,
Clifford G. Kosoff and George J. Casson, for their Notice of Removal, state as follows:

1. On August 28, 2008, plaintiff Billy Brooks filed suit against the above named
defendants in the Circuit Court for the Fifteenth Judicial Circuit in Stephenson County, Illinois.

A copy of this complaint is attached hereto as Exhibit 1.

2. On or about September 3, 2008, the defendants were served with copies of the
complaint.

3. The above-described action is a civil action in which this court has original
jurisdiction under the provisions of 28 U.S.C. §1331 and is one which may be removed to this
court by the defendants pursuant to the provisions of 28 U.S.C. §1441 in that plaintiff filed suit
against defendants for, among other things, violation of his federal constitutional rights.

4. Plaintiff's complaint against defendants also includes state claims of which this
court should assume pendant jurisdiction pursuant to 28 U.S.C. §1441(c) and/or 28 U.S.C.
§1367.

5. This Notice is timely in that it is filed within 30 days of the first defendant being served with the initial pleading.

6. Attached as Exhibit 2 is evidence that this Notice of Removal was served upon all parties and the Clerk of the Circuit Court of the Fifteen Judicial Circuit, Stephenson County, Illinois.

8. The Complaint filed by plaintiff is pending in the Circuit Court for the Fifteen Judicial Circuit, Stephenson County, Illinois, and therefore, pursuant to 28 U.S.C. §1446, venue is proper before this Court.

9. Pursuant to the requirements of 28 U.S.C. §1446(a), the pleadings filed in the Stephenson County action have been filed herewith.

WHEREFORE, defendants, David Snyders and Dean Schroeder, by their attorneys, hereby give notice of removal of this action to the United States District Court for the Northern District of Illinois, Western Division.

Respectfully submitted,

O'HALLORAN KOSOFF GEITNER & COOK,
LLC

By: s/George J. Casson
George J. Casson Bar Number 0412627
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**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

BILLY J. BROOKS,)	
)	
Plaintiff,)	
)	
vs.)	Case No.
)	
DAVID SNYDERS, SHERIFF)	
DEAN SCHROEDER, DIRECTOR)	
)	
Defendants.)	

CERTIFICATE OF SERVICE

I hereby certify that on September 11, 2008, I electronically filed the Defendants' Notice of Removal with the Clerk of court using the CM/ECF system and I hereby certify that on September 11, 2008, I mailed by United States Postal Service, the document to the following non-registered participant:

Billy J. Brooks, Inmate
c/o Stephenson County Jail
1680 East Singer Street
Freeport, Illinois 61032

Respectfully submitted,

By: s/George J. Casson

George J. Casson, Bar Number 0412627
O'Halloran Kosoff Geitner & Cook, LLC
650 Dundee Road, Suite 475
Northbrook, Illinois 60062
Telephone: (847) 291-0200
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E-mail: gcasson@okgc.com

09/03/2008 WED 17:12 FAX 8152358306 Stephenson Co. Sheriff

STATE OF ILLINOIS

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT

STEPHENSON COUNTY

BILLY J. BROOKS
Plaintiff

v.

DAVID SNYDERS, Sheriff

DEAN SCHROEDER, Director

No# 08 CH 141

COMPLAINT

Now comes the Plaintiff BILLY J. BROOKS, Pro-Se And
Pursuant to 735 ILCS § 2-602

FILED

AUG-28-2008

STATEMENT OF CLAIM

Bonnie H. Luman
CLERK OF THE CIRCUIT COURT
Stephenson County, Illinois

COUNT - I

CRUEL AND UNUSUAL PUNISHMENT

1) ON or About August 6, 2008 the Plaintiff WAS
Arrested in the City of Freeport IL, County of Stephenson, for
"unlawful possession with intent to deliver a controlled substance"
and "Resisting A Peace Officer," Case No# 08 CF 108

2) ON or About August 6, 2008 After the Plaintiff
was Process and booked in, he was inform that he was to
be house in Solitary confinement (hereafter seg) until he

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Page (a) Defendant;

1) DAVID SYDERS, is the Sheriff of Stephenson
Co. 204 W. Exchange St. Freeport IL, 61032 (B/S)
235-8252

2) DEAN SCHROEDER, is Director of The Stephenson
Co. Jail 1680 E. Singer Dr. Freeport IL, 61032 (B/S)
235-8252

(a)

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Count-I, cont;

Post bond or until his trial was over, but as long as the Plaintiff was in Stephenson Co. Jail he was to be kept in (Seg), Pre-order of defendant SNYders.

3) The Plaintiff at that time and as the date of this filing has not violated any rule's of conduct of the Stephenson Co. Jail.

4) The Plaintiff has been held in total isolation from human contact, the Plaintiff is held (23) hours a day in his cell alone with no other human being in the (Seg) unit, the Plaintiff whenever is taken out of his cell for, court, doctor, recreation, shower, visit's, ect, he is handcuff with his hands behind his back.

5) The is Plaintiff is being Arbitrarily held in a cell 16 hour per-week, being denied the Privileges and rights that the other inmates in the Stephenson Co. Jail that has not violated Any Rule's of Conduct, enjoy.

6) Defendant SNYders, Acting under color of State law, with deliberate indifference as to the consequence has violated the Plaintiff equal Protection

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rights under the Illinois Constitution as well as his 8th & 14th Amendments of the U.S Constitution.

COUNT - II

RETALIATION AND HARASSMENT

7) on or about March 2004, while the Plaintiff was an inmate at the Stephenson Co. Jail he had an encounter with Corporal ~~Phillip~~ Phillip Williams and Officer Lynn Jordan.

8) on or about March 2004 the Plaintiff was charged with two counts of AGG. Battery, (04CF108) at that time the Plaintiff was placed in solitary confinement for an indefinite time by defendant Snyders, however a jury found the Plaintiff Not Guilty of Count - I and Guilty but mentally ill on Count II, however the Plaintiff was kept in solitary confinement 18 months.

9) once the Plaintiff was arrested on August 6, 2008 a place back in the Stephenson Co. Jail defendants, Snyders and Schroeder implemented the same disciplinary action of 2004, An indefinite (Seg) Placement.

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10) ON or ABOUT August 19, 2008 the Plaintiff File
his claim with the Stephenson Co Jail Grievance
Committee, ON August 21, 2008 defendant Schroeder
responded that the Plaintiff is Assign to (Seg) for
(60) days And will be reviewed then, However the
Plaintiff house Assignment may not be changed then
(See Plaintiff claim as well AS defendant REPLY hereto
Attach)

11) At no time was the Plaintiff given a hearing AS
to his Placement in Solitary Confinement (SEG). Defendant

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(5) on or About August 19, 2008 the Plaintiff file his claim with the Stephenson Co Jail Grievance Committee, on August 21, 2008 defendant Schroeder responded that the Plaintiff is Assign to (Seg) for (60) days and will be reviewed then, However the Plaintiff house assignment may not be changed then (See Plaintiff claim as well as defendant reply hereto Attach)

"1) At no time was the Plaintiff given a hearing as to his placement in Solitary Confinement (SEG). Defendant Snyder and Schroeder denied the Plaintiff his rights to call witnesses on his behalf to present evidence, to pose questions as why he is placed in (SEG), in violation of the Plaintiff due Process rights and Equal Protection of the law.

PRAYER FOR RELIEF

1) That this court issue a Temporary Restraining order or Preliminary injunction ordering the defendants to remove the Plaintiff out of Solitary Confinement (SEG) immediately (2) A trial by jury (3) Any relief this court deem just.

by: Billy J. Brooks
Billy J. Brooks, Plaintiff

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09/03/2008 WED 17:21 FAX 8152358306 Stephenson Co. Sheriff

To, STEPHENSON Co. Jail Grievance Committee
From, Inmate, BILLY J. BROOKS
Date, Aug 19, 2008
RE, Treatment of Confinement

STATEMENT OF Claim

1) on or About Aug 6, 2008 inmate BILLY J. BROOKS, WAS Placed in the Stephenson Co. Jail Awaiting trial for the case 08CF108.

2) once inmate BROOKS WAS booked in he WAS Placed in the Segregation unit indefinite time order of Sheriff Snyder.

3) At no time had inmate BROOKS violated ANY Stephenson Co. Jail Rules of Conduct AND AS OF the date of this filing have he committed ANY Rules of Conduct.

4) Inmate BROOKS has not been given A hearing on why he is being kept in Segregation.

5) Inmate BROOKS, 8th & 14th Amend Rights

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of the U.S. Constitution is being Violated
AS well AS his right to due Process & Equal
Protection of the law in Violation of The
Illinois County Jail Standards.

RELIEF

1) That inmate Brooks Be removed from the
(Seg) Unit immediately and Place on A cell block
that do not house inmate that have Violated any
Jail Rules

by Billy Brooks
INMATE, RHY & BROOKS

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09/03/2008 WED 17:23 FAX 8152358306 STEPHENSON CO. SHELTON

BZB
Stephenson County Jail

Memo

To: Inmate Billy J. Brooks

From: Dir. Dean Schroeder

CC:

Date: August 21, 2008

Re: Response to Statement of Claim dated 8/19/08

This is your response to your Statement of Claim dated 8/19/08.

Upon entry to this institution inmates are given housing assignments.

Your housing assignment will be reviewed 60 days after that date.

~~Your housing assignment may or may not be changed at that time.~~

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STATE OF ILLINOIS)
COUNTY OF STEPHENSON) SS.

AFFIDAVIT

I, BILLY J. BROOKS duly sworn according to law
that the allegations herein are true and correct.

1) That on August 6, 2008 I WAS PLACED in
Solitary Confinement in the Stephenson Co. Jail.

2) That I suffer from several mental disorders
and if kept in Solitary Confinement it can enhance
his condition and irreparable injury will result.

3) Further Affidavit Says not;

Billy Brooks
BILLY J. BROOKS, Plaintiff

Subscribed and Sworn to this 22 day
of August 2008

Notary Public

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STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT
STEPHENSON COUNTY

BILLY J BROOKS
Plaintiff

v

NO #

DAVID SNYDERS, Sheriff

DEAN SCHROEDER, Director

Plaintiff's motion for
T.R.O - or - Preliminary injunction

Now comes the Plaintiff BILLY J BROOKS Pro se
And Pursuant to 735 ILCS 5/11-101, 5/11-102 requesting
that this court grant the T.R.O - or - Preliminary injunction
Plaintiff states as follows:

1) The Plaintiff in 2004, was diagnosed with the following:
(1) Post Stress traumatic disorder (2) Nightmare terror
(3) Anxiety (4) Paranoia.

2) That the Prolong isolation here at the Stephenson
Co. Jail will only enhance these disorders if Plaintiff
is not removed out of Solitary confinement (seg)
immediately.

by: Billy J Brooks
BILLY J. BROOKS Pro se